



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,236	01/19/2006	Etienne Annic	5284-59PUS	6639
27799	7590	11/10/2009		
COHEN, PONTANI, LIEBERMAN & PAVANE LLP			EXAMINER	
551 FIFTH AVENUE			CHRISTENSEN, SCOTT B	
SUITE 1210				
NEW YORK, NY 10176			ART UNIT	PAPER NUMBER
			2444	
			MAIL DATE	DELIVERY MODE
			11/10/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/537,236

**Applicant(s)**

ANNIC, ETIENNE

**Examiner**

Scott Christensen

**Art Unit**

2444

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/ICE)
- Paper No(s)/Mail Date 12/22/2008
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office Action is in regards to the most recent papers filed on 6/26/2009.

***Response to Arguments***

2. Applicant's arguments filed 6/26/2009 have been fully considered but they are not persuasive.
3. On pages 9-13, Applicant argues the rejection of claims 9-16 under 35 USC 102. More specifically, Applicant argues that Lantto does not teach the management of multiple networks.

However, the instant claim does not actually require the management of the simultaneous connections. In fact, the only language with simultaneous connections is present in the preamble.

Thus, Applicant should amend the instant claim to recite in the body of the claim the subject matter from the preamble (such as the details concerning the connections and number of connections) as well as providing details that demonstrate that the simultaneous connections actually exist (for example, by reciting that the terminal has a plurality of simultaneous connections to a plurality of said plural networks) rather than that the terminal is merely "configured" to be connected to the multiple networks.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 9-17 are rejected under 35 U.S.C. 102(e) as being anticipated by WO 02/01822 A1 to Lantto et al., hereafter referred to as "Lantto" in view of Applicant Admitted Prior Art, hereafter referred to as "AAPA."

With regard to claim 9, Lantto discloses a system for making a selection from a set of architectures dedicated to a plurality of communications networks in a terminal that includes a user interface, wherein connections to each of said plural communications networks are set up via a mobile network by a PDP context link to each of said plural communications networks, the system making the selection comprising:

a selector integrated into the user interface of the terminal and configured to:

control at least an access to a dedicated architecture manager integrated into the terminal for each of said plural communications networks;

manage a respective one of the set of architectures dedicated to each of said plural communications networks (Lantto: Page 17, lines 23-29. The computer processor controls the operations of the system of Lantto, including access to the communication networks and managing the architecture dedicated to the communication network.); and

connect the dedicated architecture manager via the PDP context link to each connected one of said plural communications networks to process a state

of said link and to adapt a resource to the selected said plural communications networks (Lantto: Page 10, lines 16-21),

wherein the selector is at least one of hardware and software executed by a computer processor (Lantto: Page 3, lines 5-15. The disclosure of Lantto is at least performed by either software or hardware.).

Lantto does not disclose expressly that the terminal is configured to be simultaneously connected to a plurality of communications networks or that the selector is configured to select an identification name for each of the plural communications networks.

However, according to the instant specification, it was well known to have a terminal device that is configured to connect simultaneously to multiple networks (Specification: page 2, line 35 to page 3, line 27). It is noted, though, that there is no requirement that the terminal is, in fact, connected simultaneously to each of the plural networks.

Accordingly, it would have been obvious to allow a terminal to connect to multiple networks simultaneously.

The suggestion/motivation for doing so would have been that allowing a terminal to connect to multiple networks simultaneously allows the terminal to access services from each of the networks without having to terminate one connection before accessing services from another network, which allows for improved speed at accessing services, as well as allowing different services to interact in the single terminal.

Further, Official Notice is taken (See MPEP 2144.03) that it would have been well known in the art to select an identification name for each of a plurality of communications networks. For instance, Windows has been performing this functionality since before Windows XP was released, where the networks are given names to identify the network, even if it is a generic name such as "Local Area Connection 1."

Thus, it would have been obvious to select a name for each network.

The suggestion/motivation for doing so would have been that selecting a name to identify the network allows both the user and applications of the terminal system to easily identify the network, thus allowing the user and the terminal to more easily know the status of a connection.

With regard to claim 10, Lanto as modified by AAPA teaches that the dedicated architecture manager comprises a controller for controlling, separately or in combination, creation, modification, suspension and closure of the dedicated architecture, according to a management function selected by the selector (Lantto: Page 17, lines 23-29. First, it is noted that the dedicated architecture manager is not claimed as being part of the system, but rather the system interacts with the architecture manager. Therefore, limitations to the architecture manager have questionable weight. However, the computer of Lantto is fully capable of performing each and every one of these claimed functions.).

With regard to claim 11, Lanto as modified by AAPA teaches that the dedicated architecture manager manages the set of dedicated architectures, which, in order to maintain the independence of said plural communication networks, have no functions for managing PDP context links (Lantto: Page 17, lines 23-29. The computer processor manages all of the dedicated architectures.).

With regard to claim 12, Lanto as modified by AAPA teaches that the selector is associated with a selection control device (This limitation is inherent, as in order for the selection means to function, the selection means must either be on some device or be a device, both of which would constitute a selection means control device.).

With regard to claim 13, Lanto as modified by AAPA teaches that, as a function of the selector, the dedicated architecture manager is connected to a first transmitter for managing transmissions using a dedicated architecture of the terminal (Lantto: Page 17, lines 23-29. The computer processor includes connections to the other components of the computer, including the network interface.).

With regard to claim 14, Lanto as modified by AAPA teaches that, as a function of the selector, the dedicated architecture manager is connected to a second transmitter for managing transmission to the selected of said plural communications networks (Lantto: Page 17, lines 23-29. The computer processor includes connections to the network interface, which is connected to the external network.).

With regard to claim 15, Lanto as modified by AAPA teaches that, as a function of the selector, the dedicated architecture manager is connected to a resource of the terminal accessible by the dedicated architecture (Lantto: Page 17, lines 23-29. The computer processor is connected to each resource of the terminal.).

With regard to claim 16, claim 16 is substantially similar to the invention claimed in claims 9-15, and is rejected for substantially similar reasons.

With regard to claim 17, claim 17 is substantially similar to the invention claimed in claims 1-16, and is rejected for substantially similar reasons.



***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. C./  
Examiner, Art Unit 2444  
/William C. Vaughn, Jr./  
Supervisory Patent Examiner, Art Unit 2444